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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,593	04/21/2006	Francesco Ferraiolo	5405.P0027US	4111
23474 7590 03/04/2009 FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631				
EXAMINER BONK, TERESA				
ART UNIT		PAPER NUMBER		
3725				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,593

Applicant(s)

FERRAILOLO, FRANCESCO

Examiner

TERESA BONK

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 and 17-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 and 17-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-25 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 20, there is insufficient antecedent basis for “the longitudinal cables.” There are only longitudinal “wires” set forth in the independent claim 19. Although the Applicant uses “wires” and “cables” interchangeable throughout, if that is what is intended then both “wires and/or cables” must be set forth in the independent claim. Otherwise, claim 20 must be changed to “longitudinal wires” to overcome this rejection or it could be understood as a different cable and then must be changed to “a longitudinal cable.” The Examiner will examine as best understood: “longitudinal wires and/or cables.”

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruggeman (US Patent 5,029,779), newly cited. Bruggeman discloses a protective wire net comprising an array of longitudinal wires arranged side by side and each intertwined with at least one respective adjacent longitudinal wire (12), said net further comprising one or more longitudinal metal cables (13 and/or 14) each intertwined or interlaced with at least one adjacent longitudinal wire and interposed between at least two of the intertwined longitudinal wires (Figure 7).

With regards to claim 17, Bruggeman also discloses further comprising a plurality of said longitudinal metal cables arranged at regular intervals relative to one another and alternating with one or more of said wires (Figure 7).

With regards to claim 18, Bruggeman also discloses wherein at least one of the longitudinal metal cables (14) defines an edge of the net (Figure 7).

With regards to claim 19, Bruggeman also discloses further comprising one or more transverse wires or metal cables (22 or 41) arranged in a transverse direction relative to the longitudinal wires and outside or inside intertwining regions defined by portions of adjacent longitudinal wires which are bent around one another, the transverse wires or metal cables being intertwined or interlaced with one or more of the longitudinal wires and interposed between at least two intertwined longitudinal wires (Figures 8 or 10).

Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Zaccheroni (US Patent 4,394,924), newly cited. Zaccheroni discloses a protective wire net comprising an array of longitudinal wires (17 and 18) arranged side by side and each intertwined with at least one respective adjacent longitudinal wire; and one or more longitudinal metal cables (13), each cable being intertwined or interlaced with at least one adjacent longitudinal wire, the longitudinal metal cables having portions around which twisted portions of at least two adjacent longitudinal wires are twisted (Figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruggeman in view of Thommen, Jr. (US Patent 5,524,875), previously cited. Bruggeman discloses the invention substantially as claimed except for wherein it is a double-twist net with hexagonal meshes. Thommen, Jr. is relied upon to a protective wire net comprising a double-twist net with hexagonal meshes (Column 5, lines 10-13), but also shows quadrilateral meshes (Figure 7). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Bruggeman's net with hexagonal meshes because such a modification is considered an equivalent in the art as demonstrated by Thommen, Jr.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruggeman in view of Wilson (US Patent 2,948,049), newly cited, as best understood. Bruggeman discloses the invention substantially as claimed except for wherein the transverse cables comprise bent portions of the longitudinal wires/cables. Wilson, which discloses an apparatus that uses metal materials to form entanglements (nets), is relied upon to teach that transverse cables (the area on wire 10 that reference sign 75b is pointing to) can comprise bent portions of the longitudinal cables (75a), also see Figure 11. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the traverse cable comprise bent portions of the longitudinal wires/cables because by making the longitudinal and transverse wires/cables out of the same element, the net as a whole will be stronger and more durable.

Claims 27, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruggeman in view of Wentzek (US Patent 3,954,125), newly cited. Bruggeman discloses the invention substantially as claimed except for wherein each end of the transverse wires or metal cables comprises a ring anchoring means for anchoring one or more transverse wires or metal cables to one or more of the longitudinal wires characterized in that it further comprises anchoring means for anchoring one or more transverse wires and/or metal cables to one or more of the longitudinal wires; wherein the ring anchoring means comprise at least one ring or provided on the transverse wires or metal cables through which ring or eye at least one longitudinal wire extends; wherein said ring or eye is formed by a portion of a transverse wire or metal cable that is bent and secured to itself to form a loop. Wentzek is relied upon to teach a net (wire fabric) wherein each end of the transverse wires or metal cables comprises a ring anchoring

means (17) for anchoring one or more transverse wires or metal cables (13/15) to one or more of the longitudinal wires (20) characterized in that it further comprises anchoring means for anchoring one or more transverse wires and/or metal cables to one or more of the longitudinal wires (Figure 3); wherein the ring anchoring means comprise at least one ring provided on the transverse wires or metal cables through which ring or eye at least one longitudinal wire (22 which is part of wire 20) extends; wherein said ring or eye is formed by a portion of a transverse wire or metal cable that is bent and secured to itself to form a loop (Column 4, lines 5-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Wentzek's ring/loop elements in order to attach the transverse wires/cables to the longitudinal wires/cables instead of the Bruggeman's welding (Column 4, lines 4-9) because the use of a known technique improves similar device in the same way.

Claims 29 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruggeman in view of Wentzek and further in view of Thommen, Jr. The combination of Bruggeman and Wentzek discloses the invention substantially as claimed except for comprising fixing means for fixing the net to a slope; further comprising at least two of the said protective wire nets joined together by coupling means wherein the coupling means comprise at least one longitudinal or transverse metal cable. Thommen is relied upon to teach a protective wire net comprising fixing means (8) for fixing the net to a slope (Figure 2); further comprising at least two of the said protective wire nets joined together by coupling means (6/7) wherein the coupling means comprise at least one longitudinal or transverse metal cable (Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made

to these additional fixing and coupling means in order to put this protective net to use in an environment “for low impact situation that is extremely effective, requires little maintenance, and its also economical” (Column 1, lines 35-40).

Claims 21-22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruggeman in view of Wilson and further in view of Wentzek, as best understood. The combination of Bruggeman and Wilson discloses the invention substantially as claimed except for further comprising anchoring means for anchoring one or more transverse wires and/or metal cables to one or more longitudinal wires and/or longitudinal metal cables; wherein the anchoring means comprise at least one ring or eye, provided on the longitudinal and/or transverse metal cables through which ring or eye at least one longitudinal wire or one longitudinal or transverse metal cable extends. Wentzek is relied upon to teach a net (wire fabric) wherein each end of the transverse wires or metal cables comprises a ring anchoring means (17) for anchoring one or more transverse wires or metal cables (13/15) to one or more of the longitudinal wires (20) characterized in that it further comprises anchoring means for anchoring one or more transverse wires and/or metal cables to one or more of the longitudinal wires (Figure 3); wherein the ring anchoring means comprise at least one ring provided on the transverse wires or metal cables through which ring or eye at least one longitudinal wire (22 which is part of wire 20) extends wherein said ring or eye is formed by a portion of a transverse wire or metal cable that is bent and secured to itself to form a loop (Column 4, lines 5-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Wentzek’s ring/loop elements in order to attach the transverse wires/cables to the longitudinal

wires/cables instead of the Bruggeman's welding (Column 4, lines 4-9) because the use of a known technique improves similar device in the same way.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruggeman in view of Wilson and Wentzek and further in view of Thommen, as best understood. The combination of Bruggeman, Wilson and Wentzek discloses the invention substantially as claimed except for further comprising coupling means so as to couple, in use, the wire net to other protective wire nets; wherein the coupling means comprises one of the following elements: rings, clips, cables, or equivalent means; wherein the coupling means comprises coupling elements formed directly on one or more transverse cables. Thommen is relied upon to teach a protective wire net further comprising at least two of the said protective wire nets joined together by coupling means (cables 6/7) wherein the coupling means comprise at least one longitudinal or transverse metal cable (Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to these additional fixing and coupling means in order to put this protective net to use in an environment "for low impact situation that is extremely effective, requires little maintenance, and its also economical" (Column 1, lines 35-40).

Response to Arguments

Applicant's arguments with respect to claims 15 and 17-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERESA BONK whose telephone number is (571)272-1901. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725

Teresa M. Bonk
Examiner
Art Unit 3725